

SY YOC, PLAINTIFF AND APPELLEE, VS. THE CHIEF OF POLICE OF THE CITY OF MANILA, DEFENDANT AND APPELLANT.

G. R. No. 9430. October 14, 1915

Ponente: JOHNSON, J.

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JOHNSON, J.:

On the 2d day of September, 1913, the plaintiff presented a petition in the Court of First Instance of the city of Manila, praying that the writ of habeas corpus should be issued, for the purpose of securing the liberty of the petitioner. At the time of the presentation of the petition he was detained by the chief of police of the city of Manila. The defendant was ordered to answer said petition.

After hearing the evidence adduced during the trial of the cause, the Honorable A. S. Crossfield, judge, issued the writ prayed for and directed that the plaintiff be discharged from the custody of the law. From that decision the defendant appealed to this court.

The facts upon which the plaintiff was detained by the chief of police of the city of Manila may be stated as follows :

First. That on the 13th day of May, 1907, a complaint was presented in the Court of First Instance of the city of Manila, charging Sixto Galuren, Eugenio Dizon, and a Chinaman called Sy Yoc, with the crime of robbery. Upon said complaint the defendants were duly-arrested, arraigned, tried, found guilty, and sentenced, the first-named defendants to be imprisoned for a period of one year and one day, and the said Sy Yoc to be imprisoned for a period of one year and six months. From that sentence the defendant, Sy Yoc, appealed to the Supreme Court.

Second. After a consideration of the appeal of the said Sy Yoc by the Supreme Court, the decision of the lower court was affirmed on the 24th day of December, 1908.

Third. The cause was remanded to the lower court for the execution of said sentence.

Fourth. On the 18th day of January, 1909, the bondsmen of the said Sy Yoc were notified to deliver the person of the defendant to the court for the execution of the sentence.

Fifth. On the 20th day of January, 1909, the bondsmen appeared and presented a written statement in which they alleged that the said Sy Yoc had died on the 21st day of November, 1908, in one of the provinces of China.

Sixth. Upon a consideration of the statement made by the bondsmen, the honorable A. S. Crossfield, judge, on the 24th day of February, 1909, issued an order canceling the bond of the said bondsmen, and relieved them from any further responsibility.

Seventh. On the 2d day of September, 1913, the assistant prosecuting attorney of the city of Manila presented a motion in the Court of First Instance, asking that a warrant be issued for the arrest and detention of one Sy Yoc. In said petition, said assistant prosecuting attorney alleged that the said Sy Yoc was the same Sy Yoc who had been theretofore sentenced.

Eighth. Upon said petition the Sy Yoc in the present case was detained by the chief of police.

The question presented by the petition for the writ of habeas corpus in the present case is whether or not the Sy Yoc in the present action is the same Sy Yoc who had been accused of the crime of robbery, together with two others, in the year 1907. During the trial of the cause a large number of witnesses were examined. At the close of the trial, the honorable A. S. Crossfield reached the conclusion that the Sy Yoc in the present case was not the Sy Yoc in the other criminal action.

The testimony in pro and in contra is absolutely irreconcilable. One witness testified that he was a lumber merchant in the city of Manila; that the Sy Yoc in the present case had worked for him continuously from the year 1905 until the year 1911; that in the year 1911, the present Sy Yoc engaged in the lumber business on his own account. These declarations are confirmed by at least three other witnesses. A part of the declaration of said witnesses is confirmed by the fact that at the time the present Sy Yoc was arrested in 1913, he was engaged in the lumber business in the city of Manila. Upon the other hand, a policeman who was in charge of the Luneta police station in 1907, positively identifies the present Sy Yoc as the Sy Yoc who was charged with the crime of robbery. One of the persons who was charged with robbery with Sy Yoc, also claimed that the present Sy Yoc was his co-defendant in the former criminal action. A doctor in the Hospicio de San Jose, who treated the Sy Yoc in the former criminal action for certain wounds received at or about the time of the trial of that action, also claims that the present Sy Yoc is the Sy Yoc in the other action.

Upon a full consideration of the contradictory testimony, and taking into consideration the conclusions of the court below, who heard and saw the witnesses, we are inclined to believe that there is greater likelihood that the policeman and the other witnesses who attempted to identify the petitioner, were mistaken, than the witness in whose employment the present Sy Yoc had been for a period of six years continuously; and for that reason, we find that the Sy Yoc in the present case is not the Sy Yoc who had heretofore been convicted of the crime of robbery.

Therefore, the judgment of the lower court is hereby affirmed, and without any finding as to costs, it is so ordered.

Arellano, C. J., Torres, Carson, and Araullo, JJ., concur.

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